

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0480 Department of Correction

ACT#: 53-1SS

SECTION#: 15

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the Department of Correction - Contingent Positions for the ~~2003-2005~~ 2005-2007 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 21-5-101), or its successor.

CONTINGENT POSITIONS - MEDICAL SERVICES

MAXIMUM ANNUAL

ITEM	CLASS		MAXIMUM	SALARY RATE
NO.	CODE	TITLE	NO. OF	FISCAL YEARS
			EMPLOYEES	2003-04 2004-05
				<u>2005-06</u> <u>2006-07</u>
GEN ADMIN / NON-CLASSIFIED POSITION				
(01)	COR CHIEF OF MED SVCS		1	148,113 152,112
				<u>155,304</u> <u>158,544</u>
(02)	COR CHIEF OF DENTAL SVCS		1	135,634 139,296
				<u>142,296</u> <u>145,341</u>

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(03)	COR CHIEF OF PHARM SVCS	1	95,485	98,063
			<u>100,444</u>	<u>102,861</u>
(04)	COR HEALTH SVCS ADM	1	93,089	95,603
			<u>97,947</u>	<u>100,327</u>
(05)	COR ASST HEALTH SVCS ADM	3	80,719	82,899
			<u>85,024</u>	<u>87,190</u>
(06)	COR CHIEF OF NURSING SVCS	1	83,911	86,177
			<u>88,365</u>	<u>90,594</u>
(07)	COR DIR OF MED RECORDS	1	81,107	83,297
			<u>85,430</u>	<u>87,603</u>
(08)	COR UNIT/FACILITY MED MGR	11	67,588	69,413
			<u>71,282</u>	<u>73,186</u>
(09)	COR UNIT/FACILITY MED SUPV	7	51,368	52,755
			<u>54,308</u>	<u>55,889</u>
(10)	COR MED SVC SPEC	8	68,984	70,846
			<u>72,742</u>	<u>74,674</u>
PATIENT CARE/NON-CLASSIFIED POSITIONS				
(11)	6603 COR STAFF PHYSICIAN	17	135,634	139,296
			<u>142,296</u>	<u>145,340</u>
(12)	6601 COR STAFF DENTIST	15	106,998	109,887
			<u>112,446</u>	<u>115,042</u>
(13)	COR STAFF PHARM	3	93,515	96,039
			<u>98,390</u>	<u>100,776</u>

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(14) COR NURSE PRAC/PHYS. ASST	13	68,984	70,846
		<u>72,742</u>	<u>74,674</u>
(15) COR HEAD NURSE- HOSPITAL	1	74,530	76,543
		<u>78,548</u>	<u>80,590</u>
(16) COR REGISTERED NURSE SUPV	40	70,865	72,778
		<u>74,711</u>	<u>76,681</u>
(17) COR LICENSED PRAC NURSE	172	45,983	47,224
		<u>48,641</u>	<u>50,100</u>
(18) COR LABORATORY SPECIALIST	5	39,554	40,622
		<u>41,841</u>	<u>43,096</u>
(19) COR RADIOLOGY SPECIALIST	5	38,999	40,052
		<u>41,254</u>	<u>42,492</u>

PATIENT CARE - CLASSIFIED POSITIONS

(20) L124	PSYCHOLOGIST	2	GRADE 25
(21) L122	PSYCH. EXAMINER II	2	GRADE 21
(22) M088	SOCIAL WORKER II	3	GRADE 20
(23) M107	COR. COUNSELOR PRO LDR	7	GRADE 19
(24) R010	ADMINISTRATIVE ASST II	4	GRADE 17
(25) L026	DENTAL HYGIENIST	8	GRADE 16
(26) W015	MEDICAL RECORDS TECH	24	GRADE 15
(27) K041	EXECUTIVE SECRETARY	4	GRADE 14
(28) K117	MEDICAL SECRETARY	15	GRADE 14
(29) K155	SECRETARY I	10	GRADE 11

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(30) L025	DENTAL ASST	12	GRADE 11
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CLASSIFIED NON-PATIENT CARE

(31)	ACCTG TECHS	3	GRADE 15
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(32)	PAYROLL OFFICER	2	GRADE 15
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(33)	BUYERS	2	GRADE 18
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(34)	PURCHASING ASSISTANT	1	GRADE 15
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(35)	ACCOUNTING TECH	1	GRADE 15
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(36)	ACCOUNTANT	1	GRADE 18
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(37)	PERS TRNG OFF	1	GRADE 18
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(38)	PERS OFFICER II	1	GRADE 17
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(39)	PAYROLL OFFICER	1	GRADE 15
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(40)	PC SUPPORT	1	GRADE 18
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GRAND TOTAL CONTINGENT EMPLOYEES 411

If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agencies biennial budget request.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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MEDICAL SERVICES - CONTINGENCY POSITIONS. If it has been determined by the Board of Corrections that the Department cannot continue a medical contract with a private provider and the Board deems it necessary to utilize Department staff to provide the required services, the Department is allowed, upon notification of the Chief Fiscal Officer of the State and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, to utilize the contingent positions for medical services contained in ~~Section 15 of this Act and make the appropriate transfers from the Professional Fees and Services line item contained in Section 3 of this Act to Regular Salaries, Personal Services Matching and various Maintenance and General Operations classifications.~~ Further, the Department may utilize the service(s) of a state-based or national-based Professional Recruitment Service, or network, as may be necessary to recruit, fill, or maintain the occupancy of the positions stated herein.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

~~REFUND TO EXPENDITURE. The proceeds from the sale of feeder cattle by the Department of Correction shall be deposited into the State Treasury as a refund to expenditure to the credit of the appropriation available to the Department of Correction for the "Purchase Cattle/Meat" line item.~~

~~———— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

DISCONTINUE LANGUAGE

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

COUNTY REIMBURSEMENT RATE RESTRICTION. Notwithstanding any other provision of law or departmental commitment which may exist to the contrary, the Board of Corrections shall not increase any reimbursement rate for payments made to any county for the purpose of reimbursing the expenses of the care and custody of state inmates, without first seeking and receiving the approval of the Governor and the Chief Fiscal Officer of the State.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

This Language is codified by A.C.A. 12-27-130

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EXECUTIVE RECOMMENDATION

~~USE OF MAINTENANCE AND OPERATION APPROPRIATION AND SALVAGED MATERIALS CONSTRUCTION.~~ The Department of Correction is hereby authorized to utilize Maintenance and General Operation Appropriation in conjunction with surplus and/or salvageable materials for the purpose of implementing construction projects to benefit the Department and its various programs. Before such projects may be undertaken, a Method of Finance must be submitted for prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, and review and approval by the Department of Finance and Administration and the Arkansas State Building Services.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by

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EXECUTIVE RECOMMENDATION

~~the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.~~

~~————The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

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EXECUTIVE RECOMMENDATION

SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA SALARIES. There is hereby authorized, for the Department of Correction, for the ~~2003-05~~ 2005-07 biennium, the following increases in salaries for certain positions provided in the Regular Salary schedule in this Act, and to be in addition to the annual amounts as established by the Uniform Classification and Compensation Act, as amended, for full-time physicians who are certified by the American Specialty Boards at rates of pay not to exceed an additional \$4,500 per year. If certified in forensic psychiatry, an additional \$2,500 per year will be allowed. Total extra salaries may not exceed \$7,000 per year per position. In the event the physician is not a full time employee, the amount specified herein shall be adjusted proportionately to the amount of time worked for the Department of Correction by that physician.

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EXECUTIVE RECOMMENDATION

COUNTY JAIL REIMBURSEMENT. In the event the Department of Correction cannot accept inmates from county jails due to insufficient bed space, the Department shall reimburse the counties at a rate determined by the Chief Fiscal Officer of the State, after consultation with the Division of Legislative Audit and the Department of Correction, and upon approval by the Governor, until the ~~appropriation and County Jail Reimbursement Fund,~~ funding provided for such purpose, is exhausted. The reimbursement rate shall include the county's cost of transporting the inmates to the department. ~~The appropriation provided by Item (08) of Section 3 may be used for contracts with county jails for pre-release inmates.~~

The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.

However, this Language is codified in A.C.A. §12-27-114

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EXECUTIVE RECOMMENDATION

~~UTILITY RATE INCREASE TRANSFER. In the event of a substantial increase in utility rates, the Department of Correction is authorized to transfer any line item appropriation in this Act to the Maintenance and Operation line item for support of the increase after receiving approval of the Chief Fiscal Officer of the State.~~

~~———— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER OF APPROPRIATION WITHIN CAPITAL IMPROVEMENT PROJECTS. The Department of Correction is hereby authorized to transfer appropriation between and/or among the various capital improvements/construction projects authorized by the General Assembly. Such transfers may be made only after approval by the Governor and after prior review by the Arkansas Legislative Council or Joint Budget Committee. Such authorization shall in no way mean that the total amount of funds or appropriations for capital improvement/construction projects be greater than that provided by the General Assembly for the Department of Correction.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

~~MENTAL HEALTH SERVICES. In the event the Department determines to enter into a professional contract for mental health services, the Department may, upon approval of the Chief Fiscal Officer of the State and after prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, make appropriate transfers from regular salaries, personal services matching and various maintenance and operation classifications to the professional fees and services classification for payment of the contractual amount.~~

~~Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council~~

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EXECUTIVE RECOMMENDATION

~~or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.~~

~~———The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

DISCONTINUE LANGUAGE

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~SPECIAL REVENUE/CASH FUNDS TRANSFER. The Department of Correction is authorized to transfer funds from various Special Revenue and Cash Funds into the Inmate Care and Custody Fund Account in order to adjust to the budget needs upon prior approval by the Arkansas Legislative Council or Joint Budget Committee and approval of the Board of Corrections and the Chief Fiscal Officer of the State.~~

~~Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.~~

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~~The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

However, this Language is Codified by A.C.A. §19-5-302 (1)(C).

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EXECUTIVE RECOMMENDATION

~~NEW FACILITIES. If it is found that contracting for the operation of new facilities is economically beneficial to the State of Arkansas, the Department of Correction may, after receiving approval of the Chief Fiscal Officer, and seeking prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, transfer from any line item appropriation contained in Section 3 of this Act into the Professional Fees and Services line item contained in Section 3 of this Act to operate new facilities opened during the biennium.~~

~~Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council~~

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EXECUTIVE RECOMMENDATION

~~or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.~~

~~———The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

DISCONTINUE LANGUAGE

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EXECUTIVE RECOMMENDATION

~~APPROPRIATION TRANSFER FOR CONSTRUCTING AND EQUIPPING. The Department of Correction is hereby authorized to transfer appropriations between any line items authorized herein but only for the purpose of financing construction or equipment for a facility of the department. Any transfers authorized by this section shall require the approval of the Chief Fiscal Officer of the State after prior review and approval by the Legislative Council or Joint Budget Committee.~~

~~Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of~~

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~~competent jurisdiction, this entire section is void.~~

~~————The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

DISCONTINUE LANGUAGE

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EXECUTIVE RECOMMENDATION

REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections that a reallocation of resources within the Department of Community Correction and Department of Correction is necessary for the efficient and effective operation of the departments, the Board, with approval of the Governor and approval by the Arkansas Legislative Council or Joint Budget Committee, shall have the authority to instruct the department directors, to request from the Chief Fiscal Officer of the State, a transfer of positions, programs, funds and, appropriations, ~~and line item appropriations~~ within or between existing and ~~newly created programs, divisions, offices, sections, or units~~ of the departments. If it is determined that the requested transfer should be made, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfers upon the fiscal records of the State Treasurer, the State Auditor, the Chief Fiscal Officer of the State, and the Departments of Correction and Community Correction. Provided, however, that the Board shall be limited to submitting no more than ~~f~~Four requests during any fiscal year. Transfer authority for unforeseen purposes shall further be limited to no more than five percent (5%) of the total appropriation, funding, and positions specific to each agency. However, there shall be no transfers to or from the County Jail Reimbursement Fund. Other than for unforeseen purposes, transfers shall be limited to the following specific purposes:

a) Costs to open and operate temporary beds;

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- b) Payment of Debt Service;
- c) Payment of Overtime Expenses;
- d) Unanticipated increases for medical or private prison contracts;
- e) Construction/renovation/equipping of new beds;
- f) Deficits in Farm or Industry Program;
- g) Losses not covered by insurance proceeds;
- h) Costs of personnel for critical services or necessary to carry out the mission of the agency.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction and the Department of Community Correction may operate more efficiently if some flexibility is provided to the Board of Corrections authorizing broad powers under the Reallocation of Resources provisions herein. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council

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or Joint Budget Committee is ruled unconstitutional by a court jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

However, this Language is codified in A.C.A. §12-27-138.

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EXECUTIVE RECOMMENDATION

HAZARDOUS DUTY PAY. The Department of Correction is hereby authorized to pay hazardous duty pay to provide special compensation to eligible security personnel to compensate for the increased risk of personal injury. The hazardous duty pay authorized herein shall not exceed an amount equal to five and one-half percent (5.5%) of the annual salary authorized by law to any eligible employee and shall only be made available to the personnel occupying the following positions.

Class

Code	Title	Grade
T003	CP/COR Officer	16
H029	CP/COR Food Prod Mgr I	17
T005	CP/COR Officer II	18
H030	CP/COR Food Production Mgr II	19
T010	CP/COR Sergeant	19
T006	CP/COR Officer III	20
T008	CP/COR Officer IV	21
T014	Chief Security Officer	22

Employees assigned to these classifications may be eligible for hazardous duty pay if the Director of the Department of Correction certifies to the Chief Fiscal Officer that employees in these positions have been assigned direct supervision of inmates which requires these positions to be exposed to increased risk of personal injury.

Employees in the above classifications who are assigned to

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maximum security lockup areas, i.e. administrative, segregation, punitive isolation and death row at the ~~M~~maximum ~~S~~security ~~U~~nit, Varner Unit, Cummins Unit, and East Arkansas Regional Unit, are authorized to receive the hazardous duty pay allowance and an additional amount of maximum security incentive pay to five and one-half percent of the annual salary authorized by law. This pay will only be paid while the employee continues to work in the maximum security lockup areas and pay will be discontinued should the employee terminate work in this area.

The amounts received under the provisions of this section shall not be considered as exceeding the maximum authorized annual salary allowance for employees in receipt of such amounts. Such amounts shall be considered as Regular Salary and the Department of Finance and Administration shall adopt the necessary rules and regulations for the administration of this provision.

Employees covered by the provisions of this Section shall be eligible for special compensation for hazardous duty and additional compensation for maximum security assignment only upon a determination by the Chief Fiscal Officer of the State that sufficient general revenues are available to sustain payment of the additional compensation levels herein authorized. It is the intent of this section that such payments shall be optional, at the discretion of the Chief Fiscal Officer of the State and the Director of the Department of Correction, dependent upon sufficient revenues and shall not be implemented using funds specifically set aside for other programs within the Department.

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~~FOOD SERVICE CONTRACT. In the event the Department is able to contract with a private provider for food services at a unit(s), transfers may be made from Regular Salaries, Personal Services Matching, and Maintenance and Operations line items to Professional Fees and Services upon approval by the Chief Fiscal Officer of the State and after receiving prior review by the Legislative Council or Joint Budget Committee.~~

~~——— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

DISCONTINUE LANGUAGE

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

HOLIDAY COMPENSATION. The Department of Correction is authorized to pay employees for up to ~~ninety-six (96)~~ one-hundred ninety two (192) hours of unused holidays exceeding a balance in the employee's holiday account of one-hundred fifty (150) hours following the end of the calendar year. Employees terminating employment from the Department of Correction will be eligible for all holiday pay accrued during the years of service. This request is contingent on approval by the Chief Fiscal Officer of the State after the Director of the Department of Correction has verified that sufficient revenues are available to make such payments to employees in the following classifications:

Class

Code	Title	Grade
T003	CP/COR Officer	16
H029	CP/COR Food Prod Mgr I	17
T005	CP/COR Officer II	18
H030	CP/COR Food Prod Mgr II	19
T010	CP/COR Sergeant	19
T006	CP/COR Officer III	20
T008	CP/COR Officer IV	21
T014	CP/COR Security Officer	22

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

CONTINUE CURRENT LANGUAGE WITH
APPROPRIATE DATE CHANGES

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

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SECTION#: 32

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

MEDICAL SERVICES - SPECIAL PROVISIONS FOR CERTAIN CLASSIFIED POSITIONS. The following patient care classified positions, L026 Dental Hygienist and L025 Dental Assistant, identified within Section 15 of this Act, may upon prior approval of the Chief Fiscal Officer of the State, be compensated at a rate up to Pay Level IV of the respective position classification.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0480 Department of Correction

ACT#: 53-1SS

SECTION#: 33

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~OFFENDER MANAGEMENT INFORMATION SYSTEM MONITOR. The Executive Chief Information Officer shall have the authority to monitor the integrated electronic offender management information system under development by the Department of Correction and the Department of Community Correction.~~

~~—The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

Discontinue CIO already has this authority.

AGENCY REQUEST

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

The Arkansas Department of Correction is authorized to enter into a cooperative agreement with the UAMS Family Treatment Program to conduct assessments of juvenile sex or child offenders as required by provisions of ACA12-12-901 et. seq. and pay for services upon receipt of invoice.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0480 Department of Correction

ACT#: 53-1SS

SECTION#: 35

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~_____ FUND BALANCES _____ NON TAX REVENUE RECEIPTS CASH FUND:~~
(A) ~~For all appropriations as provided in this Act, the agency disbursing officer shall monitor the level of fund balances in relation to expenditures on a monthly basis. If any proposed expenditures would cause the Non-Tax Revenue Receipts Cash Fund to decline below seven hundred seventy thousand thirty four dollars (\$770,034), the disbursing officer shall immediately notify the executive head of the agency. Prior to any obligations being made under these circumstances, the agency head shall file written documentation with the Chief Fiscal Officer of the State requesting approval of the expenditures. Such documentation shall provide sufficient financial data to justify the expenditures and shall include the following:~~

~~1) _____ a plan that clearly indicates the specific fiscal impact of such expenditures on the fund balance.~~

~~2) _____ information clearly indicating and explaining what programs would be cut or any other measures to be taken by the agency to restore the fund balance.~~

~~3) _____ the extent to which any of the planned expenditures are for one-time costs or one-time purchase of capitalized items.~~

~~4) _____ a statement certifying that the expenditure of fund balances will not jeopardize the financial health of the agency, nor result in a permanent depletion of the fund balance.~~

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0480 Department of Correction

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SECTION#: 35

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~———(B)———The Chief Fiscal Officer of the State shall review the request and approve or disapprove all or any part of the request, after having sought prior review by the Legislative Council.~~

~~———The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

DISCONTINUE LANGUAGE

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0480 Department of Correction

ACT#: 53-1SS

SECTION#: 36

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~_____ FUND BALANCES — INMATE WELFARE CASH FUND. (A) For all appropriations as provided in this Act, the agency disbursing officer shall monitor the level of fund balances in relation to expenditures on a monthly basis. If any proposed expenditures would cause the Inmate Welfare Cash Fund to decline below seven hundred fifty thousand dollars (\$750,000), the disbursing officer shall immediately notify the executive head of the agency. Prior to any obligations being made under these circumstances, the agency head shall file written documentation with the Chief Fiscal Officer of the State requesting approval of the expenditures. Such documentation shall provide sufficient financial data to justify the expenditures and shall include the following:~~

~~1) — a plan that clearly indicates the specific fiscal impact of such expenditures on the fund balance.~~

~~2) — information clearly indicating and explaining what programs would be cut or any other measures to be taken by the agency to restore the fund balance.~~

~~3) — the extent to which any of the planned expenditures are for one-time costs or one-time purchase of capitalized items.~~

~~4) — a statement certifying that the expenditure of fund balances will not jeopardize the financial health of the agency, nor result in a permanent depletion of the fund balance.~~

~~_____ (B) — The Chief Fiscal Officer of the State shall review the~~

AGENCY REQUEST

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~request and approve or disapprove all or any part of the request, after having sought prior review by the Legislative Council.~~

~~———The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

DISCONTINUE LANGUAGE

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0480 Department of Correction

ACT#: 53-1SS

SECTION#: 37

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~———— FUND BALANCES — DEPARTMENT OF CORRECTION FARM FUND.~~
(A) ~~For all appropriations as provided in this Act, the agency disbursing officer shall monitor the level of fund balances in relation to expenditures on a monthly basis. If any proposed expenditures would cause the Department of Correction Farm Fund to decline below one hundred eight thousand three hundred eighty one dollars (\$108,381), the disbursing officer shall immediately notify the executive head of the agency. Prior to any obligations being made under these circumstances, the agency head shall file written documentation with the Chief Fiscal Officer of the State requesting approval of the expenditures. Such documentation shall provide sufficient financial data to justify the expenditures and shall include the following:~~

~~1) — a plan that clearly indicates the specific fiscal impact of such expenditures on the fund balance.~~

~~2) — information clearly indicating and explaining what programs would be cut or any other measures to be taken by the agency to restore the fund balance.~~

~~3) — the extent to which any of the planned expenditures are for one-time costs or one-time purchase of capitalized items.~~

~~4) — a statement certifying that the expenditure of fund balances will not jeopardize the financial health of the agency, nor result in a permanent depletion of the fund balance.~~

AGENCY REQUEST

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SECTION#: 37

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~———(B)———The Chief Fiscal Officer of the State shall review the request and approve or disapprove all or any part of the request, after having sought prior review by the Legislative Council.~~

~~———The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

DISCONTINUE LANGUAGE

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0480 Department of Correction

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SECTION#: 38

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

INMATE COST REPORTING – STATE FACILITIES.

(a) Within 90 days of the close of each state fiscal year, the Arkansas Department of Correction (ADC) shall submit to the Arkansas Legislative Council a report of all direct and indirect costs incurred by the State of Arkansas in housing and caring for inmates incarcerated in the State's facilities. Such costs shall be calculated and reported in total for the Department and in total by each facility. The report shall also reflect overall cost per inmate per day, cost per inmate per day for each facility, overall cost per bed per day, and cost per bed per day for each facility.

(b) In compiling costs and reporting to the Arkansas Legislative Council in accordance with Section 38 (a) of this Act, the Department of Correction shall:

- (1) Record all expenditures in a manner that provides for the association of costs with each facility. Costs not directly attributable to a particular facility (overhead, administration, treatment, etc.) shall be allocated to each facility on the basis of inmate population.
- (2) Maintain documentation to support all elements of costs and cost reimbursement both in total and by facility;
- (3) Exclude capital outlay disbursements. However, depreciation expense for all ADC fixed assets shall be included. Depreciation expense not directly associated with the fixed assets of a particular facility shall be allocated to each facility on the basis of inmate population.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

- ~~(4) Include any interest expense incurred by ADC or another state governmental entity as a result of prison construction;~~
- ~~(5)(4) Exclude all payments to local governments for care of inmates housed in local government facilities;~~
- ~~(6)(5) Exclude all payments to local governments for Act 309 prisoners;~~
- ~~(7)(6) Include the state matching requirements associated with federal grant expenditures. Documentation shall be maintained sufficient to identify such costs by grant.~~
- ~~(8)(7) Deduct reimbursements for costs incurred. The amount of the reimbursement deducted shall be equal to or less than the cost with which the reimbursement is associated.~~
- ~~(9)(8) Include all ancillary costs. These costs shall include, but are not limited to:~~
- ~~(A) ADC expenses incurred through fund transfers;~~
 - ~~(B) Retirement costs;~~
 - ~~(C) Audit costs;~~
 - ~~(D) ADC cost for shared employees paid by another state governmental entity;~~
 - ~~(E) Inmate educational and rehabilitation costs;~~
 - ~~(F)(E) Inmate related expenses incurred by the Attorney General.~~

(c) In determining costs per inmate per day for reporting to the Arkansas Legislative Council in accordance with Section 38 (a), ADC shall:

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EXECUTIVE RECOMMENDATION

(1) Accumulate the number of inmates housed at each ADC facility each day throughout the state fiscal year for which costs are being reported. This accumulation shall result in total inmate days and shall be divided into total direct and indirect costs compiled in accordance with Section 38 (a)(b).

~~(2)~~(1) Exclude those ADC inmates housed in local governmental facilities and Act 309 prisoners from the number of inmates housed at ADC facilities.

Maintain documentation supporting the number of inmates housed at ADC facilities.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~LOCAL GOVERNMENT INMATE COST REPORT. Within 90 days of the close of each calendar year, each local governmental unit housing inmates sentenced to the Arkansas Department of Correction (ADC) shall submit to the Arkansas Legislative Council a report of all direct and indirect costs incurred by the local governmental unit in housing and caring for such inmates. Guidelines for preparing this cost report shall be developed by ADC in coordination with the Division of Legislative Audit and shall be distributed to the local governmental units within 90 days of the enactment of this law.~~

DISCONTINUE LANGUAGE

CONTINUE CURRENT LANGUAGE

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0480 Department of Correction

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

COUNTY JAIL REIMBURSEMENT FUND YEAR-END FUND BALANCE CARRYFORWARD. Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds which remain in the County Jail Reimbursement Fund at the end of a fiscal year shall remain in the County Jail Reimbursement Fund and made available to fund appropriations authorized by law payable from the County Jail Reimbursement Fund for the following fiscal year.

AGENCY REQUEST

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AGENCY: 0480 Department of Correction

ACT#: 53-1SS

SECTION#: 41

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

COUNTY JAIL REIMBURSEMENT FUND APPROPRIATION
CARRYFORWARD. Any unexpended balance of appropriation made
payable from the County Jail Reimbursement Fund remaining on June
30th each fiscal year shall be carried forward and made available for the
same purpose the following fiscal year.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0480 ARKANSAS DEPARTMENT OF CORRECTION

ACT#:

SECTION#: NEW

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EDUCATIONAL INCENTIVE BONUS PAYMENT - In recognition of the value of higher education, the Arkansas Department of Correction is authorized to issue one-time monetary bonus payments to employees who, while serving in a position with the Arkansas Department of Correction, earn a degree or professional license over and above that required by the Office of Personnel Management as qualifications for the position. In addition, the degree earned must be related to the functions of the position (such as a Correctional Officer II earning a Bachelor's Degree in Criminal Justice, as opposed to a Correctional Officer II earning a Bachelor's Degree in Mathematics). Bonuses will be paid at the following rates:

<u>Associate Degree</u>	<u>\$1,000</u>
<u>Bachelor's Degree</u>	<u>\$1,500</u>
<u>Master's Degree</u>	<u>\$2,500</u>
<u>Doctoral Degree</u>	<u>\$3,500</u>
<u>Professional License</u>	<u>\$1,250</u>

Generally a professional license would only qualify for a bonus if it permitted the individual to carry out his/her profession in the Arkansas Department of Correction at a higher level—e.g. psychologist, psychological examiner, journeyman plumber, licensed social worker, etc.

EXECUTIVE RECOMMENDATION

AGENCY REQUEST DENIED

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0480 ARKANSAS DEPARTMENT OF CORRECTION

ACT#:

SECTION#: NEW

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

The amounts received under the provisions of this section shall not be considered as exceeding the maximum authorized annual salary allowance for employees in receipt of such amounts. Such amounts shall be considered as Regular Salary, and the Director of the Department of Correction shall adopt necessary rules and regulations for administration of this provision. Such payments shall be optional, at the discretion of the Director of the Department of Correction, dependent upon sufficient revenues and shall not be implemented using funds specifically set aside for other agency programs.

The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007